MINUTES OF THE PRIVATE PROTECTIVE SERVICES BOARD MEETING APRIL 16, 2009 HOLIDAY INN RALEIGH NORTH 2805 HIGHWOODS BLVD. RALEIGH, NC 27604

BOARD MEMBER PRESENT

Richard Allen
James Stevens
Berkley Blanks
David Grimes
Brenda Bishop
Ron Burris
Bill Booth
Mack Donaldson
Steve Johnson
Sally Pleasant

David Pendry

BOARD MEMBER ABSENT

Sheriff Ashe Sheriff Jenkins

STAFF PRESENT

Terry Wright – Director Anthony Bonapart – Deputy Director Tim Pressley – Training Officer Carson Carmichael – Attorney
Joyce McClure - Board Secretary
Garcia Graham – Licensing Assistant

GUEST PRESENT

David ArndtLarry FlanneryCraig ColegroveJeff CathcartStephen BillJeff KikerTom RuseMegan MarsalisChris RuhlmanRussell SturkieMichael Spellman

Chairman Allen called the April 16, 2009 Private Protective Services Board meeting to order at 10:10 a.m. Mr. Allen welcomed all guests and requested they introduce themselves. Mr. Allen requested all phones and pagers be turned off during the meeting.

Attorney Carson Carmichael explained the State Ethics law, which addresses the ethics of public officials. This Order states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

GOOD OF THE ORDER:

Mr. Larry Flannery, President of NCAPI, spoke of their annual Training Conference in Greensboro, starting April 17, 2009 which caused a low attendance rate of members of the NCAPI at the Board Meeting. He stated that there would be classes by Don Rabon, a firearms class, along with an Accident Reconstruction class and speakers. Mr. Flannery remarked that the Bills in the House and Senate along with 74C were not being resisted by any organization at this time. The NCAPI association reiterated its support for the efforts of the Board.

APPROVAL OF THE FEBRUARY 13, 2008 MEETING MINUTES:

MOTION BY MR. GRIMES TO APPROVE THE MINUTES AS PRESENTED SECONDED BY MRS. BISHOP, MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mrs. Bishop reported that the Screening Committee met on Wednesday April 15, 2009 from 2:00 p.m. until 6:00 p.m. to review a total of 45 applications with 6 denials, 1 withdrawal and 3 deferred. The remainder of the applications were approved (see report). Committee members were, Ms. Bishop, Mr. Pendry, Mrs. Pleasant, and Mr. Blanks. Mrs. Bishop read the report for the record.

Mrs. Bishop presented the following registration report for the period of February 10, 2009 through April 13, 2009. Total registrations 3825; armed totals were 642 of which 245 were new, 363 were renewals, 2 duplicates and 32 reissue/dual. There was 1 new armed private investigator and 2 renewals, 1 new private investigator associate. Unarmed totals were 3179 which include 1334 new, 1671 renewals, 164 transfer, 7 duplicates and 3 reissues/dual. Total denials 571 of which 273 for cause and 298 for correctable. There were 424 applications approved which were previously denied for a total of 995 denials reviewed.

For the record, Mrs. Pleasant recused herself for Mr. Bellino #3 on the screening report.

MOTION BY MR. GRIMES TO ACCEPT THE SCREENING REPORT AND REGISTRATION REPORT. SECONDED BY MRS. PLEASANT, MOTION CARRIED, ONE OPPOSED.

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GRIEVANCE COMMITTEE REPORT:

Mr. Grimes reported the committee met on Wednesday April 15, 2009 from 8:00 a.m. until 11:45 a.m. to hear a total of seven cases. The committee members were Mr. Grimes, Mr. Stevens, Mr. Booth and Mr. Donaldson. Mr. Grimes presented the attached report. (see attachment)

Mr. Booth recused himself on case 2008-PPS-056 and Mr. Donaldson recused himself on case 2008-PPS-057.

MOTION BY MR. STEVENS TO ACCEPT THE GRIEVANCE COMMITTEE REPORT. SECONDED BY MRS. PLEASANT, MOTION CARRIED.

FINAL AGENCY DECISIONS:

Attorney Carmichael removed himself as Attorney for the Board and presented the following case. All parties had been properly noticed of this meeting.

Case number 09-DOJ-0656 Michael Spellman vs PPS Board. Mr. Spellman was present. This case was heard by Administrative Law Judge Donald Overby on February 24, 2009. The case was based on the denial of the application for unarmed guard registration for lack of good moral character or temperate habits. The proposal of the Administrative Law Judge was to reverse the initial decision to deny the Petitioner's application for an unarmed guard registration.

MOTION BY MR. BOOTH TO REVERSE THE PREVIOUS DECISION BY THE BOARD. SECONDED BY MR. BURRIS. MOTION CARRIED.

Mr. Carmichael returned as Attorney for the Board.

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on Thursday April 16, 2009 from 8:00 a.m. until 9:15 a.m. The committee members were Mr. Stevens, Mr. Johnson, Mr. Booth, Mr. Grimes, Mrs. Pleasant and Mr. Allen.

Mr. Pressley gave his report. The following trainer courses are scheduled: May 4-8, 2009, General Trainer Course. WTCC April 28, 2009, Firearms Trainer Re-certification course, NCJA

The following PPS trainer courses have been completed: February 2009, General Trainer Pilot Course, WTCC March 3, 2009, Firearms Trainer re-certification course, NCJA March 30, 2009, Firearms Trainer certification course, NCJA

Mr. Pressley reported that the list of Counterintelligence schools that are posted on the website has been reduced from six to two.

Mr. Booth stated that Arthur Herring of Dektor Corporation presented the 40 hour course for Dektor's PSE School.

MOTION BY MR. BOOTH TO APPROVE THE DEKTOR COURSE, SECONDED BY MRS. PLEASANT, MOTION CARRIED.

Mr. Stevens recapped the success of the pilot program since the pass/fail ratio has greatly improved.

Mr. Johnson reviewed the findings of the Firearms Committee regarding the change of rules that include rule .0807 and .0904(1). (see attached)

Mr. Johnson stated that there is a shortage of ammunition at the present time, therefore, he moved that the amount of rounds for the practice training be temporarily lowered to 150 from the proposed 300.

MOTION BY MR. JOHNSON TO MOVE FORWARD WITH STAFF AND THE BOARD ATTORNEY TO ADOPT THE FIVE RULES, SECONDED BY MR. GRIMES, MOTION CARRIED.

MOTION BY MR. JOHNSON TO TEMPORARILY SUSPEND THE AMOUNT OF ROUNDS REQUIRED FROM 300 TO 150 EFFECTIVE MAY 1, 2009. SECONDED BY MR. BOOTH, MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT - NONE

SCREENING COMMITTEE REPORT –

Mr. McDarris is to draft a rule to address 12NCAC .0404 regarding electronic signatures and to clarify the responsibility of signing invoices. This is to be presented at the June Meeting.

The Screening Committee proposed to deny the request to allow a Private Investigator Associate to advertise in their own name.

MOTION BY MRS. PLEASANT TO DENY THE REQUEST OF DIANE WALKER TO ADVERTISE INDEPENDENT OF THE PRIVATE INVESTIGATOR. SECONDED BY MR. BLANKS, MOTION CARRIED. <u>DIGITAL FORENSICS COMMITTEE</u> – NONE

OUT OF STATE CRIMINAL RECORD CHECKS - NONE

74C RE-WRITE COMMITTEE:

The bill has been introduced to both the House and the Senate, there are some questions regarding the Digital Forensics and Proprietary armed licenses at establishments that sell alcohol.

FINANCE COMMITTEE:

Mr. Wright gave a financial report stating that the balance has remained stable for the last two months. He reported that the Alarm Board, as did the Private Protective Services Board, approved the increase in fees if the current \$38 fingerprint fee is removed. He reviewed the proposed budget for the Recovery Fund. (see attached report)

MOTION BY MR. JOHNSON TO MOVE \$5,664.54 FROM THE RECOVERY FUND INTO THE EDUCATION FUND. SECONDED BY MR. STEVENS, MOTION CARRIED.

MOTION BY MR. BOOTH TO NOTIFY THE LICENSEES THAT THE BOARD WILL START TO ENTERTAIN THE PROPOSALS FOR THE TRAINING COURSES TO BECOME EFFECTIVE JANUARY 01, 2010. THE LICENSEES WILL HAVE TWO YEARS TO OBTAIN THE CONTINUING EDUCATION CREDITS. SECONDED BY MR. STEVENS, MOTION CARRIED.

Chairman Allen asked that at the next Training and Education Committee meeting the committee discuss the continuing education budget and also that staff present the forms for continuing education credit to the Board members.

OLD BUSINESS - NONE

NEW BUSINESS:

Mr. Booth addressed the issue of accepting anonymous complaints. He suggested that this be placed on the June agenda. Mr. Stevens suggested that through anonymous complaints, the Grievance Committee is being used as a competitive edge in the industry. Mr. Carmichael stated that the rules could be changed to reject anonymous complaints. Chairman Allen requested the issue be placed on the June agenda.

Chairman Allen discussed the streamlining of the registration process and appointed a Committee consisting of Mr. Johnson, Mr. Donaldson, Mr. Stevens and staff. They are to research the process of one registration with endorsements and move forward with this process.

Mr. Flannery requested an update on the badge issue. Mr. Wright advised that he would obtain an update from Mr. McDarris.

DIRECTOR'S REPORT:

Mr. Wright presented his written report. The budget as of 04/01/09 we have \$201,118.25, the Recovery fund is \$55,664.54 and the Education Fund is \$40,567.00. As

of 04/13/09 we have a total of 11,426 PPS registrations, 1,695 licenses, 570 certifications, one endorsement for a total of 13,692 for PPS.

Mr. Wright also noted that we have received 4,794 applications since the last Board meeting.

MOTION TO ACCEPT THE DIRECTOR'S REPORT BY MR. BOOTH. SECONDED BY MRS. BISHOP. MOTION CARRIED.

Mr. Wright presented the updated contract for Attorney Jeffrey Gray.

MOTION BY JUDGE BURRIS TO ACCEPT THE UPDATED RETAINER FOR MR. GRAY, SECONDED BY MRS. PLEASANT, MOTION CARRIED.

Mr. Wright presented the newsletter, that if accepted would be posted on the Website. The Board approved of the newsletter.

ATTORNEY'S REPORT:

Attorney Carmichael presented the report for Mr. McDarris.

MOTION BY JUDGE BURRIS TO ACCEPT THE ATTORNEY'S REPORT AND DEFER QUESTIONS UNTIL THE NEXT MEETING, SECONDED BY MRS. BISHOP. MOTION CARRIED.

The two day format for Committee meetings and the Board meeting were reviewed by the Board and will be kept until further notice.

MOTION BY MR. BLANKS TO ADJOURN, SECONDED BY MRS. BISHOP. MOTION CARRIED.

12:10 p.m. Adjourned.

,	Terry M. Wright, Director
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	Joyce McClure, Board Secretary